

Applicants respectfully traverse the rejection of claims 29-33, 35-38 and 40 under 35 U.S.C. § 102(e) for the reason that Miloslavsky does not disclose each and every limitation of the claim 29 of the present application.

To anticipate a claim, the reference must teach every element of the claim.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference."

Claim 29 includes the following limitations:

A method of processing a telephone call from a caller, the method including:

- receiving the telephone call;
- identifying a telephone number associated with the received telephone call;
- retrieving information about the caller based on the identified telephone number;....

The Office Action, in rejecting claim 29, contends that the above limitations are anticipated by the following disclosure in Miloslavsky:

After reviewing the displayed web page, the user clicks on "call me" button 118. Browser 116 responds by sending a request for a phone call, together with telephone number and/or data identifying customer site 104, to server 132 (operation 416). Server 132 delivers the request and the telephone number to SRP 168, which in turn delivers the number to outbound call controller 354 (operation 420). The telephone number is placed in list server 354 (operation 424). Controller 354 dials outbound phone calls from number is list server 354 (operation 426). When the user in customer site 104 answers the call (operation 430), an agent in service assistance center 102 is assigned to handle the call (operation 432). Data related to customer site 104 and the web page viewed by the user is delivered to the agent. The agent can then answer the call with all necessary information on hand (operation 434).

Miloslavsky, Col. 10, lines 31-46.

The above quote from Miloslavsky describes a computer-telephony-integration (CTI) system dialing a telephone call to a user at a customer site. A user initiates the process by clicking a "call me" button appearing on a web page at the customer site. A browser at the customer site responds by sending a request for a telephone call, a telephone number and data identifying the customer site to a server. The server sends the same information to a service request process (SRP), a software module, which in turn sends the number to an outbound controller. The outbound controller, a component of the CTI system, dials the outbound telephone call. When the user in the customer site answers the telephone call, an agent in a service assistance center is assigned the telephone call. When the agent answers the telephone call, the agent is delivered data relating to the customer site and the web page that is viewed by the user at the customer site.

Claim 29 requires a method that retrieves information about the caller. Embodiments of "information" may take the exemplary form of an account balance or a geographical location (Page 12). Nevertheless, Claim 29 requires that the subject of the information be the caller, meaning the party that initiates the telephone call. In contrast, the above quote from Miloslavsky discloses that the subject of the data is "the user in customer site 104 [that] answers the call" (underline and bracketed word added). Miloslavsky therefore cannot be said to anticipate the above quoted limitation because Claim 29 requires the retrieval of information about the caller.

In summary, Miloslavsky does not disclose each and every limitation of claim 29, as required to support a rejection of this claim under 35 U.S.C. § 102(e).

Independent claims 35 and 40 each include a limitation corresponding substantially to the above-discussed limitation of claim 29. Accordingly, Applicants request that the above remarks and amendments contained herein also be considered when examining these other independent claims for allowability.

As dependent claims are deemed to include all limitation of claims from which they depend, the rejection of claims 30-33 and 36-38 under 35 U.S.C. § 102(e) is also addressed by the above remarks, and the amendments contained herein

Response to Claim Rejections – 35 USC § 103

Claims 34 and 39 stand rejected under 35 U.S.C. § 103, as being unpatentable over Miloslavsky in view of Miloslavsky (U.S. Patent No. 6,259,774; hereinafter Miloslavsky II).

Applicants respectfully traverse the rejection of claims dependent claims 34 and 39 under 35 U.S.C. § 103 for the reasons set out below. The prior art references when combined do not teach or suggest all of the claim limitations of the corresponding independent claims of the present application.

Dependent claims include all limitations of the independent claims upon which they depend. Dependent claim 34 depends upon independent claim 29 and therefore includes all the limitations of claim 29. Dependent claim 39 depends upon independent claim 35 and therefore includes all the limitations of claim 35. Further, if an independent claim is nonobvious under 35 U.S.C. § 103 then, any claim depending therefrom is nonobvious and rejection of claims 34 and 39 is also addressed by the above remarks.

In summary, Miloslavsky in combination with Miloslavsky II does not teach or suggest each and every limitation of claims 34 and 39 as required to support rejections of these dependent claims of the present application under 35 U.S.C. § 103.


In summary, Applicants believe that all rejections presented in the Office Action have been fully addressed and withdrawal of these rejections is respectfully requested. Applicants furthermore believe that all claims are now in a condition for allowance, which is earnestly solicited.

If there are any additional charges, please charge Deposit Account No. 02-2666. If a telephone interview would in any way expedite the prosecution of the present application, the Examiner is invited to contact André Marais at (408) 947-8200.

Respectfully submitted,

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